

Stein v. Dowling, et al
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ADMINISTRATIVE REMARKS (1070)

DATE	DATE
Articles UCMJ explained to me this date as required by Article 137, UCMJ.	Articles UCMJ explained to me this date as required by Article 137, UCMJ.
(Signature)	(Signature)

120323 : Counseled this date concerning the following deficiencies: On 1 Mar 12 you made specific disrespectful and insulting statements about your Commander-in-Chief, the President of the United States, in violation of Article 134, UCMJ, which were prejudicial to good order and discipline and were of a nature to bring discredit upon the United States Marine Corps and the U.S. armed forces. Specifically, you stated:

"[a]s an Active Duty Marine I say 'Screw Obama' and I will not follow all orders from him. Will do my job better then [sic] the next guy. But has [sic] for saluting Obama as commander-in-chief. I will not" and "Your [sic] right it said to defend the 'I will support and defend the Constitution of the United States against all enemies, foreign and domestic' Obama is the economic enemy. He is the religious enemy. he is the 'Fundamentally change' America enemy. he IS the Domestic Enemy."

Your comments were clearly disrespectful in tone and tenor toward your Commander-in-Chief and unquestionably constitute a lack of personal and professional discipline on your part as an active-duty Marine. Furthermore, your specific statement that "I will not follow all orders from him", which you made while on active duty as a Sergeant of Marines, is unquestionably prejudicial to the good order and discipline of this command and our Corps. You posted these inappropriate and disrespectful statements to a Facebook page designed for discussion among active-duty Marines in the METOC community and were in fact viewed by active-duty Marines at that time. Your disrespectful and insulting comments also constitute a serious deviation from our core values of honor, courage, and commitment and have unquestionably brought discredit upon yourself, this Command, and our Corps.

On 5 Mar 2012 your Company 1stSgt read you your Article 31(b) rights and informed you that you were suspected of violating the UCMJ for making disrespectful comments about the President of the United States on your recent 1 Mar 12 Facebook posts. After 1stSgt completed his Art 31(b) rights advisement, you indicated that you did not desire to discuss this topic any further until you had the opportunity to speak with a military attorney. Your Company 1stSgt approached you later that week on or about 9 Mar 12 and specifically advised you that as an active-duty U.S. Marine you were required to comply with the provisions of DoD Directive 1344.10, entitled "Political Activities by Members of the Armed Forces", and the UCMJ.

This was after you attended a mandatory class on DoD Directive 1344.10 and Social Media guidance. You informed your Company 1stSgt again that you understood the provisions of DoD Directive 1344.10 and you acknowledged that you were required to comply with the provisions of that Directive while you remained on active duty. You personally informed the 1stSgt that you knew "what you could and could not do and that you still planned to do interviews." You have since disregarded that counseling on numerous occasions and engaged in partisan political activities in violation of DoD Directive 1344.10 and Article 92, UCMJ, to include purposefully speaking before a partisan political gathering on 22 Mar 12 and continuing to utilize various media sources to advocate partisan politics and undermine the chain of command.

You have been formally notified that you will be subject to an administrative separation proceeding for commission of serious offenses for violating DoD Directive 1344.10 and for those aforementioned disrespectful and insulting statements about your Commander-in-Chief.

Specific recommendations for corrective action are to refrain from engaging in partisan political activity in accordance with DoD Directive 1344.10, to comply with the UCMJ and refrain from conduct that is prejudicial to good order and discipline or is of a nature to bring discredit upon the armed forces. Your conduct is not what is expected of a Marine Non-Commissioned Officer and sets a poor example for junior Marines and the Corps as a whole.

You may seek assistance, which is available through the chain of command and the Office of the Staff Judge Advocate.

I understand that I am being processed for the following judicial or adverse administrative action: Involuntary Administrative Separation for Misconduct for Commission of a Serious Offense per paragraph 6210.6, MCO P1900.16P. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ☒ /not to ☐ make such a statement.

SSN _____ Date _____ CO _____ Date _____

STEIN, Gary A.

000 00 0101

FILED

NAME (last, first, middle)

SSN

NAMVC 118(11) (REV. 3-82) (EF) SN: 0109-LF-062-8400 U/1: SH
PREVIOUS EDITIONS WILL BE USED

11. _____

APR 04 2012

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *COJ* DEPUTY